

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

GEORGE YARID,

Plaintiff,

v.

Civil Action No. 3:15cv326

SHON BRENNAN,<sup>1</sup>

Defendant.

**ORDER**

This matter comes before the Court on a document improperly submitted directly to the undersigned's chambers entitled "Motion to Dismiss" on August 4, 2015. The document appears to have been tendered by Defendant Shon Brennan, who has not been served in this action or

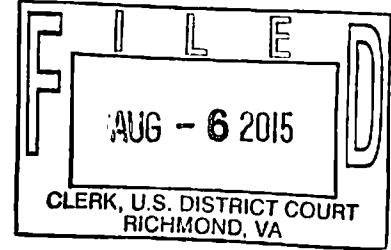
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<sup>1</sup> Yarid's handwritten filings failed to make clear whether the Defendant's last name was correctly spelled "Brennan" or "Brennon." The Defendant's attempted filing clarifies that his name should be spelled "Brennan." For ease of reference, the Court will employ the proper spelling of Defendant's last name.

Federal Rule of Civil Procedure 60(a) states, in pertinent part:

The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

Fed. R. Civ. P. 60(a). Because the misspellings of the Defendant's name appears to have been a mistake arising from Yarid's oversight, and because no appeal has yet been docketed, the Court will order that Brennan's name be corrected in the record.

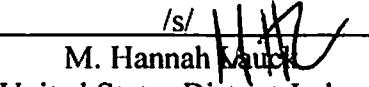


made an appearance.<sup>2</sup> (See Mot. Dismiss 3.) The Court DIRECTS the Clerk to DOCKET and FILE Brennan's "Motion to Dismiss" and any accompanying exhibits as RECEIVED only.

Prior to the Court's receipt of Brennan's "Motion to Dismiss," also on August 4, 2015, the Court dismissed this action without prejudice by Memorandum Order. (ECF No. 11.) Accordingly, because this action is closed, the Court TAKES NO FURTHER ACTION and, to the extent necessary, DENIES AS MOOT the "Motion to Dismiss."

The Clerk is DIRECTED to send a copy of this Order to Yarid and Brennan at their addresses of record.

It is so ORDERED.

  
/s/  
M. Hannah Fauck  
United States District Judge

Richmond, Virginia

Date: AUG - 6 2015

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<sup>2</sup> Brennan should have filed his "Motion to Dismiss" by delivering a copy to the Clerk's Office, as required by the Federal Rules of Civil Procedure and Local Rules for the United States District Court for the Eastern District of Virginia. Fed. R. Civ. P. 5(d)(1) ("Any paper after the complaint that is required to be served—together with a certificate of service—must be filed within a reasonable time after service."); Fed. R. Civ. P. 5(d)(2) (filing by delivering the paper "to the clerk"); E.D. Va. Loc. Civ. R. 7(H) ("After the filing of the complaint, all pleadings, motions, briefs, and filings of any kind must be timely filed with the Clerk's Office of the division in which the case is pending.").